

Notice of Allowability

Application No.

10/774,264

Applicant(s)

BAYER ET AL.

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 February 2007.
2. ☒ The allowed claim(s) is/are 1,3,4,9,10,12-14,50,51,54,56,58,59,63-67 and 69-79.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material.
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

THIS OFFICE ACTION IS IN RESPONSE TO APPLICANT'S AMENDMENT FILED 2/20/2007.

Status of Claims

- Claims 2,5-8, 11, 15-49, 52-53, 55, 57, 60-62, and 68 were canceled.
- Claims 70-81 were added.
- Claims 1, 54, and 69 were amended.
- Claims 1, 3-4, 9-10, 12-14, 50-51, 54, 56, 58-59, 63-67, and 69-81 are pending.

Response to Arguments

[1] Applicant amendment filed 2/20/2007 regarding rejections under 35 U.S.C. 102 have been fully considered. Due to the amendment to the claims, the prior art fails to further anticipate. Accordingly, the Examiner has withdrawn all previous rejections over EP 0200924 (see reasons for allowance below).

Allowable Subject Matter

[2] Claims 1, 3-4, 9-10, 12-14, 50-51, 54, 56, 58-59, 63-67, and 69-79 are allowed.

Examiner's Amendment

[3] An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephonic interview with John Pietrangelo on 4/19/2007.

The examiner has amended the application as follows:

In the Claims:

Cancel claims 80-81.

Reasons for Allowance

[4] The following is an examiner's statement of reasons for allowance. This application has been reviewed by the examiner and meets all formal and substantive (i.e., statutory) requirements and the language of the claims is enabled by, and finds adequate descriptive supported in the application disclosure as originally filed.

The primary reason for the allowance of the claims is the presence of limitations in the independent claims, which are not found in the prior art references. The examiner believes that the record of the prosecution as a whole makes clear his reasons for allowing a claim or claims. However, the examiner would like to point out one or more specific reasons and/or limitations that the prior art fails to disclose and/or make obvious. Hence, with regard to independent claim 1, the prior art, including EP 0200924; 3,629,571 (see also typical prior patents in the art- 3,533,139; D241,767); 5,144,541; and 3,820,201 (see fig. 2-3), fail to disclose of a first wire connector having a first end inserted into and bent to engage the first aperture of the first ornament and second end inserted into and bent to engage the first aperture of the second ornament, wherein the first end and the second end of the first wire connector terminate after engagement; as well as a second wire connector having a first end inserted into and bent to engage the second aperture of the first ornament and a second end inserted into and bent to engage the second aperture of the second ornament, wherein the first end and the second end of the second wire connector terminate after engagement. Claims 3-4, 9-10, 12-14, and 50-51, 63-67, 70 are dependent upon independent claim 1. Further, with respect to the prior art of Smith (US-310,919), Smith does not disclose or teach of a first or second wire connector, as the material which comprises 3 in his instant invention is not disclosed.

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With regard to independent claim 54, the prior art fails to disclose of the three ornaments having the claimed apertures in addition to a continuous connector comprising loops (see figure 53 of applicant), the loops adapted to be inserted into and bent to engage said apertures of each ornament. Claims 56, 58-59, 69, 71 are dependent upon independent claim 54.

As for independent claim 72, the prior art fails to disclose of the claimed relationship between the three ornaments, their claimed apertures and the first, second, and third wire connectors. Claims 73-75 are dependent upon independent claim 72.

Lastly, with regard to independent claim 76, the prior art fails to disclose of claimed subject matter similar to that of independent claim 1, regarding the claimed relationship between the ornaments, their apertures, and the wire connectors terminating after insertion into said apertures. Claims 77-79 are dependent upon claim 76.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion


[5] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DCR

David Reese
Assistant Examiner
Art Unit 3677


J. J. SWANN
SUPERVISORY PATENT EXAMINER
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